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Washington, D.C. 20231

**Date:** 12/27/00

1c846 U.S. PTO

09/751708

12/28/00

**Sir:**

Transmitted herewith for filing is the patent application of

**Inventor: David S. Terman**

**For. COMPOSITIONS AND METHODS FOR TREATMENT OF NEOPLASTIC DISEASES**

**Enclosed are:**

- ☒ Specification and Claim(s).
- ☒ Oath or Declaration.
- ☒ ☒ sheet(s) of drawings.
- ☒ Copy of priority application(s).
- ☒ Verified Statement claiming small entity status is enclosed.
- ☒ A check in the amount of \$345 to cover the filing fee is enclosed.
- ☒ Applicant may be reached at: (831) 624-8569.

**All correspondence should be directed to below listed address.**

## DECLARATION FOR PATENT APPLICATION

### English Language Declaration

### English Language Declaration

**As a below named inventor, I hereby declare that:**

**My residence, post office address and citizenship are as stated below next to my name.**

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled, **COMPOSITIONS AND METHODS FOR TREATMENT OF NEOPLASTIC DISEASES** the specification of which

**(check one)**

- ☒ is attached hereto.
- ☐ was filed on \_\_\_\_\_ as Serial No. \_\_\_\_\_  
and was amended on \_\_\_\_\_ (if applicable)

Paper No. 6 **COPY MAILED**DAVID S. TERMAN  
P.O. BOX 987  
PEBBLE BEACH, CA 93953

DEC 01 2000

OFFICE OF PETITIONS  
A/C PATENTSIn re Application of  
David S. Terman  
Application No. 60/173,371  
Filed: December 28, 1999  
For: Compositions and Methods for  
Treatment of Neoplastic DiseaseDECISION GRANTING  
PETITIONNote: PROVISIONAL  
Filing Date of  
Dec. 28, 1999 Granted

This is a decision on the petition filed November 21, 2000, requesting that the above-identified provisional application be accorded a filing date of December 28, 1999. The application was recently forwarded to the Office of Petitions for consideration of the petition.

On December 28, 1999, this application was deposited with the United States Patent and Trademark Office (Office) without drawings containing Figures 1, 2 and 3 as described in the specification. Accordingly, on February 14, 2000, the Office of Initial Patent Examination mailed a Notice of Incomplete Provisional Application (Notice), stating that the Figures described in the specification were missing.

In response, on March 31, 2000, applicant filed three (3) sheets of drawings containing Figures 1, 2 and 3 and a copy of the Notice of February 14, 2000. Thereafter, the Office of Initial Patent Examination accorded a filing date of March 31, 2000, the date when applicant filed the drawings containing Figures 1, 2 and 3.

On November 21, 2000, applicant filed the present petition, a petition fee, and a preliminary amendment canceling the references to Figures 1, 2 and 3 in the specification. In the present petition, applicant requests that the above-identified application be accorded a filing date of December 28, 1999, the date the application was deposited with the Office without Figures 1, 2 and 3. Specifically, applicant states that the drawings containing Figures 1, 2 and 3 are not necessary for an understanding of the disclosed subject matter, and therefore, the application should be accorded the filing date of December 28, 1999, without the drawings.

A review of the record reveals, as applicant admits, that the application papers deposited on December 28, 1999, did not include Figures 1, 2 and 3. 35 USC 113, first sentence states, "The applicant shall furnish a drawing where necessary for the understanding of the subject matter sought to be patented." In general, it is the practice of the Office to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 USC 113. In this case, the application, as filed, includes method claims, which by Office practice does not require a drawing for filing date

purposes. In addition, applicant is willing to accept the application, as filed on December 28, 1999, without drawings for purposes of an original disclosure and filing date.

In view of the above, the petition is **granted**.

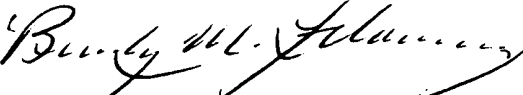
The application will be processed with a filing date of December 28, 1999, without using Figures 1, 2 and 3.

The preliminary amendment to the specification, filed November 21, 2000, canceling the references to Figures 1, 2, and 3 will be entered in due course and must be considered by the examiner for entry of new matter not described in the application as filed. See 35 USC 112, first paragraph; 35 USC 132.

The drawings containing Figures 1, 2 and 3, filed on March 31, 2000, are withdrawn and will not be used or entered during the prosecution of this application.

The application is being returned to the Office of Initial Patent Examination for correction of the filing date to December 28, 1999, and for an indication on the filewrapper that no sheets of drawings were present on filing.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Christina T. Tartera at (703) 306-5589.

  
Beverly M. Flanagan  
Supervisory Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy